

AMENDED IN SENATE APRIL 15, 2010

AMENDED IN SENATE MARCH 25, 2010

SENATE BILL

No. 1224

Introduced by Senator Wright

February 18, 2010

An act to amend Section 41700 of the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

SB 1224, as amended, Wright. Air discharges.

Existing law provides that, except as specified, a person is prohibited from discharging air contaminants or other materials that cause injury, detriment, nuisance, or annoyance to the public, or that endanger the comfort, repose, health, or safety of the public, or that cause injury or damage to business or property, as provided.

~~This bill would require a complaint for the purpose of classifying an odor as a public nuisance to be filed with respect to the primary residence, business, or place of work of the person making the complaint. The bill would require a confirmed odor complaint received from multiple persons residing or working at the same residence, business, or place of work to be treated as one complaint by the entity with which the complaints are filed~~ *authorize a local air pollution control district or air quality management district to adopt a rule or regulation, consistent with protecting public health and safety, that ensures district staff and resources are not used to investigate repeated and unsubstantiated complaints, or complaints made in bad faith, alleging a violation of that discharge prohibition.*

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~-no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. The Legislature finds and declares that repeated*
2 *and unsubstantiated, or bad faith, claims of nuisance are not in*
3 *the public interest, force air pollution control and air quality*
4 *management districts to waste limited resources on unnecessary*
5 *investigations, only serve to contribute to the reduction of jobs,*
6 *and create an unfavorable environment to encourage the*
7 *development and growth of businesses in California.*

8 ~~SECTION 1.~~

9 *SEC. 2.* Section 41700 of the Health and Safety Code is
10 amended to read:

11 41700. (a) Except as otherwise provided in Section 41705, a
12 person shall not discharge from any source whatsoever quantities
13 of air contaminants or other material that cause injury, detriment,
14 nuisance, or annoyance to any considerable number of persons or
15 to the public, or that endanger the comfort, repose, health, or safety
16 of any of those persons or the public, or that cause, or have a
17 natural tendency to cause, injury or damage to business or property.

18 ~~(b) A complaint filed pursuant to this section for the purpose~~
19 ~~of classifying an odor as a public nuisance shall be filed with~~
20 ~~respect to the primary residence, business, or place of work of the~~
21 ~~person making the complaint. A confirmed odor complaint from~~
22 ~~multiple persons residing or working at the same residence,~~
23 ~~business, or place of work shall be treated as one complaint by the~~
24 ~~entity with which the complaints are filed.~~

25 *(b) A district may adopt a rule or regulation, consistent with*
26 *protecting public health and safety, that ensures district staff and*
27 *resources are not used to investigate repeated and unsubstantiated*
28 *complaints, or complaints made in bad faith, alleging a violation*
29 *of subdivision (a).*